

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

X CORP.,

Plaintiff,

Case No. 23-cv-03698-WHA

v.

BRIGHT DATA, LTD.

Defendant

**DECLARATION OF DAVID A. MUNKITTRICK IN SUPPORT OF THE PARTIES’  
STIPULATION REGARDING THE BRIEFING SCHEDULE FOR BRIGHT DATA’S  
MOTION TO DISMISS THE FIRST AMENDED COMPLAINT**

I, David A. Munkittrick, state and declare as follows:

1. I am an attorney at the law firm Proskauer Rose LLP in New York, New York. Proskauer Rose LLP serves as counsel to Defendant Bright Data, Ltd. (“Bright Data”).

2. I submit this declaration in support of the Parties’ Stipulation Regarding a Briefing Schedule for Bright Data’s Motion to Dismiss the First Amended Complaint.

3. To account for the intervening holidays, the three new claims asserted in X Corp.’s Amended Complaint, and to give the parties adequate time to brief the issues that Bright Data intends to raise in its motion to dismiss (lack of personal jurisdiction regarding X Corp.’s Tortious Interference Claim, and failure to state a claim regarding X Corp.’s Tortious Interference, Unjust Enrichment, Breach of Contract based on any Bright Data employee account, Trespass to Chattels, Unfair or Fraudulent Business Practices, and Misappropriation Claims), the stipulation requests the following briefing schedule for Bright Data’s Motion to Dismiss the First Amended Complaint:

- Bright Data shall file its Motion to Dismiss the First Amended Complaint by December 22, 2023.
- X Corp. shall file its Opposition to Bright Data’s Motion to Dismiss the First Amended Complaint, if any, by January 22, 2024.

- Bright Data shall file a Reply in Support of its Motion to Dismiss the First Amended Complaint, if any, by February 12, 2024.

4. There have been no previous time modifications in the case, and the requested briefing schedule will not impact the schedule for the case.

5. I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate to the best of my knowledge and belief.

Dated: November 28, 2023

Respectfully submitted,

/s/ *David Munkittrick*

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